PATENT
Attorney Docket No. M-11872US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:

Reynaldo Gil et al.

Application No. 10/027,965

Art Unit: 3627

Examiner: McAllister, Steven B.

Filed: December 19, 2001

For: REPORTING IN A SUPPLY CHAIN

TRANSMITTAL OF
APPELLANTS' APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In accordance with 37 CFR 1.192, appellants hereby submit Appellants' Brief on Appeal in triplicate.

The items checked below are appropriate:

1. Status of Appellants

This application is on behalf of ☒ other than a small entity or ☐ a small entity.

The verified statement ☐ is attached or ☐ was filed on .

2. Fee for Filing Brief on Appeal

Pursuant to 37 CFR 1.17(e), the fee for filing the Brief on Appeal is for: ☒ other than a small entity or ☐ a small entity.

Brief Fee Due $500.00

3. Oral Hearing

☐ Appellants request an oral hearing in accordance with 37 CFR 1.194.

CERTIFICATE OF MAILING

I hereby certify that this document (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Date: January 22, 2007

Christina M. Zemar

Christina M. Zemar

4. Extension of Time

☐ Appellants petition for a one-month extension of time under 37 CFR 1.136, the fee for which is $110.00

☒ Appellants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that appellants have inadvertently overlooked the need for a petition and fee for extension of time.

Extension fee due with this request: $0.00

5. Total Fee Due

The total fee due is:

Brief on Appeal Fee	$500.00
Request for Oral Hearing	$ 0.00
Extension Fee (if any)	$ 0.00

Total Fee Due: $500.00

6. Fee Payment

☒ Attached is a check in the sum of $500.00.
☐ Charge Account No. 503594 the sum of $. A duplicate of this transmittal is attached.

7. Fee Deficiency

☒ If any additional fee is required in connection with this communication, charge Account No. 503594. A duplicate copy of this transmittal is attached.

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P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In support of the appeal from the final rejection dated June 2, 2006, Appellants now submit their Brief.

Real Party In Interest

The patent application that is the subject of this appeal is assigned to WORLDCHAIN, Inc., but has been acquired by ILLINOIS TOOL WORKS, INC.

Related Appeals and Interferences

There are no appeals or interferences that are related to this appeal.

Status of Claims

Claims 1-26 are pending. Claims 1-6, 13-17 and 23-26 are withdrawn from consideration. Claims 7-12 and 18-22 stand rejected. Applicants traverse the rejection.

Status of Amendments

All amendments in the application have been entered.

Summary of Invention

7. An automated method for reporting in a supply chain involving an enterprise and at least one partner, the method comprising:

sending a request for real-time data from a network system (14) to a partner coordinator component (180) integrated with an existing partner system (18), the real-time data (96) relating to a transaction in which the partner is involved, the network system (14) maintaining a context for the transaction;

receiving at the network system (14) the real-time data (96) from the existing partner system (18) in response to the request; and

generating a real-time report (112, 210, 212, 370) using the real-time data (96) for updating the enterprise on the transaction in which the partner is involved, thereby providing real-time visibility into a status of the partner with respect to the transaction. (See Figures 4, 6-8 and 15. See specification as originally filed at page 16, lines 21-26; page 19, lines 7-9; page 20, lines 22-23; page 25, lines 17-20; page 26, lines 19-20; page 43, lines 9-18; page 44, lines 22-27.)

One embodiment of the present invention is directed toward an automated method for reporting in a supply chain involving enterprise and at least one partner. (See page 16, lines 21-26.) The method includes sending a request for real-time data from a network system (14) to a partner coordinator component (180, 228) integrated with an existing partner system (18), the real-time data (96) relating to a transaction in which the partner is involved, the network system (14) maintaining a context for the transaction. (See Figures 4 and 6-8. Specification page 17, lines 14-20; page 23, lines 16-19) The method also calls for receiving at the network system (14) the real-time data (96) from the existing partner system (18) in response to the request. (See Figures 4 and 6-8. Specification page 17, lines 19-20; page 18, lines 14-32; page 23, lines 12-19.) The method further calls for generating a real-time report (112, 210, 212, 370) using the real-time data (96) for updating the enterprise on the transaction in which the partner is involved, thereby providing real-time visibility into a status of the partner with respect to the transaction. (See Figures 4, 6-8 and 15. Specification page 19, lines 7-9; page 20, lines 22-23; page 25, lines 17-20; page 26, lines 19-20; page 43, lines 9-18; page 44, lines 22-27.)

18. A system for reporting in a supply chain involving an enterprise and at least one partner, the system comprising:

a database (134, page 19, lines 7-20; 192, page 23, lines 1-19; 300, 302, page 36, lines 8-32) operable to maintain a context for a transaction in which the partner is involved;

a processor (132, page 19, line 7, to page 20, line 10; 188, page 22, line 28, to page 23, line 13; 238, 292, page 35, lines 2-12) coupled to the database, the processor operable to:

send a request to a partner coordinator component (180) integrated with an existing partner system (18) for access to real-time data (96) relating to a transaction in which the partner is involved;

receive the real-time data (96) from the existing partner system (18) in response to the request; and

generate a real-time report (112, 210, 212, 370) using the real-time data for updating the enterprise on the transaction in which the partner is involved, thereby providing real-time visibility into a status of the partner with respect to the transaction.

Another embodiment of the present invention is directed toward a system for reporting in a supply chain involving enterprise and at least one partner. (See page 16, lines 21-26.) The system includes a database (134, 300, 302) operable to maintain a context for a transaction in which the partner is involved. (Figures 5-8. Specification page 19, lines 7-20; 192, page 23, lines 1-19; page 36, lines 8-32.) The system also includes a processor (132, 188, 238, 292) coupled to the database. (Figures 5, 6, 8, 9 and 13. Specification page 19, line 7, to page 20, line 10; page 22, line 28, to page 23, line 13; page 35, lines 2-12.)

The processor is operable to send a request for real-time data from a network system (14) to a partner coordinator component (180, 228) integrated with an existing partner system (18), the real-time data (96) relating to a transaction in which the partner is involved, the network system (14) maintaining a context for the transaction. (See Figures 4 and 6-8. Specification page 17, lines 14-20; page 23, lines 16-19.) The processor is also operable to receive the real-time data (96) from the existing partner system (18) in response to the request. (See Figures 4 and 6-8. Specification page 17, lines 19-20; page 18, lines 14-32; page 23, lines 12-19.) The processor if further operable to generate a real-time report (112, 210, 212, 370) using the real-time data for updating the enterprise on the transaction in which the partner is involved, thereby providing real-time visibility into a status of the partner with respect to the transaction. (See Figures 4, 6-8 and 15. Specification page 19, lines 7-9; page 20, lines 22-23; page 25, lines 17-20; page 26, lines 19-20; page 43, lines 9-18; page 44, lines 22-27.)

Grounds of Rejection to be Reviewed on Appeal

Claims 7-9, 12 and 18-22 stand rejected under 35 U.S.C. §102(b) as being anticipated by Mowery et al (U.S. Patent no. 5,983,198).

Claim 10 stands rejected under 35 U.S.C. §102(b) and, alternatively §103(a) as being anticipated by or unpatentable over Mowery et al.

Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Mowery et al.

Applicants traverse the rejections.

Argument

Claims 7-12 and 18-22.

The transaction oriented methods and systems of the invention as claimed are patentable over the non-transaction oriented inventory management system of Mowery et al.

The Examiner asserts that Mowery shows sending a request from a network for real time data comprising, for instance, inventory level of a partner; receiving the real-time data from the partner; and generating a real-time report using the data providing visibility into the status of the partner. However, Mowery et al. do not teach or suggest the transaction oriented methods and systems that involve real-time data relating to a transaction in which the partner is involved, as recited in the claims.

The reference relied upon by the Examiner shows a system directed toward managing raw material inventory by monitoring, using a central station, telemetry data relating to inventory and usage patterns. (Col. 3, lines 36-44.) Level sensors 108 and temperature sensors 110 are installed in tanks 104 at plants 102. (Col. 3, lines 51-58.) The temperature and level signals are provided to a remote telemetry unit 112 that is programmed to provide the information to the central station 114. (Col. 3, lines 58-65.) The telemetry data is collected at the central station using information systems that store, analyze and report inventory and usage patters. (Col. 4, lines 13-16.) Material consumption at each plant 102 is predicted based on the particular site's historical consumption pattern and available information on future changes and product delivery is optimally scheduled by the central station 114 based on the site inventory and site receiving characteristics such that the delivery

of raw materials to the tanks 104 is customized to fit the particular needs of the particular plant 102. (Col. 4, lines 18-24.) The reference relied upon is directed toward maintaining inventory and does not appear to contain any teaching related to the management of transactions.

In contrast, the present invention, is directed toward transaction oriented methods and systems. Claim 7 recites "sending a request for real-time data from a network system to a partner coordinator component integrated with an existing partner system, the real-time data relating to a transaction in which the partner is involved" and "generating a real-time report using the real-time data for updating the enterprise on the transaction in which the partner is involved". (Emphasis added.) Claim 18 recites "a database operable to maintain a context for a transaction in which the partner is involved" and a processor operable to "send a request to a partner coordinator component integrated with an existing partner system for access to real-time data relating to a transaction in which the partner is involved" and "generate a real-time report using the real-time data for updating the enterprise on the transaction in which the partner is involved". (Emphasis added.)

The specification as originally filed gives as examples of transaction data numbers for purchase orders, shipping receipts, invoices for various transactions in which the respective partner is involved. (Page 18, lines 17-19.) The specification describes a workflow that "may be initiated by a transaction, a request, or a demand" and where the workflows "may access real-time data relevant to a transaction from an existing partner system ... and process a request for a transaction in the context for the transaction." (Page 21, lines 9-13, emphasis added.) At page 22, the specification describes a database that stores real-time data relating to transactions. At page 23, a partner coordinator component 180 is describes that provides the network domain with real-time information about transactions occurring within the supply chain (lines 12-14) and Figure 6 shows scenarios for how a transaction might flow through the network 10 (lines 22-23). The present invention is directed toward methods and systems for reporting in a supply chain involving an enterprise and at least one partner, where the information reported relates to a transaction involving the partner.

The term 'transaction' has been given an unreasonably broad interpretation.

The Examiner further asserts in the Final Office Action mailed June 2, 2006 that the meaning of transaction is not limited to a financial or commercial transaction between two parties. The Examiner further states that it can refer to a transaction within a group and it can refer to non-financial transactions. The Examiner also states that even if it is assumed that the transaction must be a financial one between the customer (the partner) and another party

(the vendor delivering the resource to the customer – the enterprise), the requests for data are for data relating to a transaction. The Examiner still further states that they are for inventory levels at the customer, and those inventory levels are related to the transaction because upon reaching a certain inventory level the enterprise delivers and sells more product to the customer and that the reports are likewise related to the transaction.

Applicants respectfully submit that the Examiner's construction is unreasonably broad. "Claims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their 'broadest reasonable interpretation'", *In re Marosi*, 710 F.2d 799, 802, 218 USPQ 289, 292 (Fed. Cir. 1983). The Examiner's construction of the term transaction appears to be unreasonably broad in view of the specification and confuses a transaction with its component tasks, events or other actions.

The specification makes clear that the transactions at issue relate to a business context. (Page 16, lines 2-20.) Examples of the types of transactions contemplated include a purchase order, service request, installation request, warranty matter, or replacement request. (Lines 6-7.) The specification also distinguishes between a transaction and the tasks, events or other action in the supply chain related to the transaction. (Page 16, lines 12-16; page 17, lines 29-32; page 18, lines 17-24.) The Examiner's conflation of a transaction with the tasks, events or other actions in the supply chain related to the transaction is unreasonably broad in light of the specification.

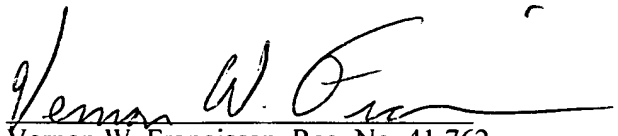
The reference relied upon does not teach or suggest each and every limitation of the claimed invention.

The Examiner has also ignored the limitations of the claims. The Examiner fails to point out where Mowery et al. teach the claimed method and system for reporting, which involve "a partner coordinator component integrated with an existing partner system" and "providing real-time visibility into a status of the partner with respect to the transaction." It is clear from the specification and the claims that the "at least one partner" is involved with the transaction, which is initiated by an end-user, such as a consumer. (Page 16, line7-10.) Mowery et al. appear to teach a central station 114 operated by a material supplier for delivering material directly to its customers. The Examiner points to no third party partner involvement in Mowery et al. There appears to be no teaching or suggestion in the reference relied upon addressing the status of a third party partner with respect to a transaction. Because the Examiner has failed to point out where each and every limitation of the claims is taught or suggested in the prior art, Applicants respectfully submit that the claim rejections are improper.

Conclusion

Nothing in the reference relied upon appears to teach or suggest the transaction-oriented methods and systems of the invention as claimed. Applicants respectfully submit that the pending claims are patentable over the reference relied upon by the Examiner. For the reasons given above, the present invention is considered to be in proper condition for allowance and action to that end is respectfully requested.

Respectfully submitted,



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Date: January 22, 2007

CLAIMS APPENDIX

1. (Withdrawn) An automated method for reporting in a supply chain involving an enterprise and at least one partner, the method comprising:

receiving at a partner coordinator component a request from a network system for access to real-time data stored in an existing partner system, the partner coordinator component integrated with the existing partner system, the real-time data relating to a transaction in which the partner is involved, the network system maintaining a context for the transaction;

converting the data at a partner coordinator component into a format usable by the network system; and

providing the converted real-time data to the network system, thereby enabling the network system to generate real-time reports of the transaction for the enterprise.

2. (Withdrawn) The method of claim 1, wherein the real-time data comprises transaction data involving a status of the transaction.

3. (Withdrawn) The method of claim 1, wherein the real-time data comprises reference data related to the partner.

4. (Withdrawn) The method of claim 1, wherein converting comprises formatting the real-time data into extensible markup language (XML) format.

5. (Withdrawn) The method of claim 1, further comprising validating the real-time data against the context maintained for the transaction.

6. (Withdrawn) The method of claim 1, further comprising converting the request into a format usable by the existing partner system.

7. (Original) An automated method for reporting in a supply chain involving an enterprise and at least one partner, the method comprising:

sending a request for real-time data from a network system to a partner coordinator component integrated with an existing partner system, the real-time data relating to a transaction in which the partner is involved, the network system maintaining a context for the transaction;

receiving at the network system real-time data from the existing partner system in response to the request; and

generating a real-time report using the real-time data for updating the enterprise on the transaction in which the partner is involved, thereby providing real-time visibility into a status of the partner with respect to the transaction.

8. (Original) The method of claim 7, wherein the real-time data comprises transaction data involving a status of the transaction.

9. (Original) The method of claim 7, wherein the real-time data comprises reference data related to the partner.

10. (Original) The method of claim 7, further comprising converting the real-time data into a format usable by the network system.

11. (Original) The method of claim 10, wherein converting comprises formatting the real-time data into extensible markup language (XML) format.

12. (Original) The method of claim 7, further comprising validating the real-time data against the context maintained for the transaction.

13. (Withdrawn) A system for reporting in a supply chain involving an enterprise and at least one partner, the system comprising:

a database operable to store real-time data relating to a transaction in which the partner is involved; and

a processor coupled to the database, the processor operable to:

receive a request from a network system for access to the real-time data, the network system maintaining a context for the transaction;

convert the data into a format usable by the network system; and

provide the converted real-time data to the network system, thereby enabling the network system to generate real-time reports of the transaction for the enterprise.

14. (Withdrawn) The system of claim 13, wherein the real-time data comprises transaction data involving a status of the transaction.

15. (Withdrawn) The system of claim 13, wherein the real-time data comprises reference data related to the partner.

16. (Withdrawn) The system of claim 13, wherein the format usable by the network system comprises extensible markup language (XML).

17. (Withdrawn) The system of claim 13, wherein the processor is further operable to validate the real-time data against the context maintained for the transaction.

18. (Original) A system for reporting in a supply chain involving an enterprise and at least one partner, the system comprising:

a database operable to maintain a context for a transaction in which the partner is involved; and

a processor coupled to the database, the processor operable to:

send a request to a partner coordinator component integrated with an existing partner system for access to real-time data relating to a transaction in which the partner is involved;

receive the real-time data from the existing partner system in response to the request; and

generate a real-time report using the real-time data for updating the enterprise on the transaction in which the partner is involved, thereby providing real-time visibility into a status of the partner with respect to the transaction.

19. (Original) The system of claim 18, wherein the processor is operable to generate a graphical user interface for presenting the report.

20. (Original) The system of claim 19, wherein the report compromises an alert report to notify the partner of the status of the transaction.

21. (Original) The system of claim 19, wherein the report comprises a task report to notify the partner of a task relating to the transaction to be performed.

22. (Original) The system of claim 19, wherein the report comprises an inventory report to update the enterprise or the partner of an inventory level relating to the transaction.

23. (Withdrawn) A system for reporting in a supply chain involving an enterprise and at least one partner, the system comprising:

an enterprise application component executing on an existing partner system and operable to generate real-time data for a transaction in which the partner is involved; and

a partner coordinator component in communication with the enterprise application component and operable to access the real-time data from the existing partner system, to convert the real-time data into a format usable by a network system, and to provide the converted real-time data to the network system.

24. (Withdrawn) A partner coordinator component for reporting in a supply chain, involving an enter[rise and a partner, the partner coordinator component for communicating between an existing system of the partner and an existing system of the enterprise, the partner coordinator component comprising:

an enterprise application integration component in communication with the existing system of the partner and operable to obtain real-time data from the existing system of the partner; and

a transport component coupled to the enterprise application integration component, the transport component operable to transport a message for conveying the real-time data from the existing system of the partner to the existing system of the enterprise.

25. (Withdrawn) A system for managing a supply chain involving an enterprise and at least one partner, the system comprising:

an enterprise component representing the enterprise and integrating into an existing system of the enterprise, the enterprise component operable to generate real-time data relevant to one or more transactions in which the enterprise is involved in the supply chain; and

at least one partner component representing a partner and integrating into an existing system of the partner, the partner component operable to generate real-time data relevant to one or more transactions in which the partner is involved in the supply chain;

wherein the enterprise component and at least one partner component are operable to coordinate for providing a uniform business context throughout the supply chain for the transactions.

26. (Withdrawn) The system of claim 25, further comprises a customer component representing a customer and integrating into an existing system of the customer, the customer component operable to generate real-time data relevant to one or more transactions in which the customer is involved in the supply chain.

EVIDENCE APPENDIX

NONE